IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1330 OF 2005
IN
WRIT PETITION NO.6952 OF 2002

Madhukar Deoman Patil & Ors. ..Applicants

Versus

Malegaon Municipal Corporation & Ors. ..Respondents

W I T H

CIVIL APPLICATION NO.1375 OF 2005
IN
WRIT PETITION NO.6954 OF 2002

Hasmukhbhai Ramjibhai Patel & Ors. ..Applicants

Versus

Malegaon Municipal Corporation & Ors. ..Respondents

Mr.P.N.Joshi for the applicants.

Mr.S.M.Sabrad for Respondent No.1.

Shri Patne AGP for Respondent No.2.

Shri P.K.Dhakephalkar for Respondent No.3.

Coram : H.L.Gokhale &
S.P.Kukday,JJ

Date : 17.06.2005.

PC

1. Heard Mr.Joshi in support of these applications and the Counsel appearing for all the respondents.

2. Both these Civil applications seek restoration of Petition Nos.6952/2002 and 6954 of 2002, both of

which came to be dismissed for non prosecution on order passed by another Division bench on 4.3.2005. Mr.Joshi points out that on the concerned date both these matters were quite low on board i.e. beyond serial no.300 and all of a sudden the board collapsed and the matters were dismissed. Therefore, he prays for restoration of the petitions. Counsel for the respondents opposed the prayer.

3. Even so, having perused the Civil applications and noted the submission of the applicants and with a view not to deny any opportunity to the applicants, we allow both these Civil applications in terms of prayer clause-(a). The Writ petition Nos.6952/2002 and 6954/2002 will stand restored to the file. Counsel for the respondents are not pressing for any cost.

(H.L.GOKHALE,J)

(S.P.KUKDAY,J)